IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 20386 of 2004

Between:

Smt.Jyothi Rajasekhar, W/o Late Sgt.Rajasekhar,
R/o H.No.1-17-24/1, Alwal, Secunderabad

..... PETITIONER

AND

Air Force Record Office, Subroto Park, New Delhi
rep.by its WO, WO ICP & WW (FP)

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, Order or direction preferably a writ in the nature of Writ of Mandamus, declaring the action of the respondent herein in insisting upon the petitioner to submit legal guardianship certificate in favour of Miss Pratusha, the daughter of the petitioner for transferring the family pension of Late Sgt.Rajasekhar in favour of Miss Pratusha, as being illegal, arbitrary and violative of provisions of Hindu Law and also violative of Article 14 of the Constitution of India and consequently direct the respondent to forthwith transfer the family pension of Late Sgt.Rajasekhar in favour of Miss Prathusha without insisting from the petitioner to submit guardianship certificate.

Counsel for the Petitioner: MR.T.SURYA SATISH

Counsel for the Respondent: Mr.KRANTHI NARAHARI

The Court at the stage of admission made the following:

HONOURABLE MR.JUSTICE K.C.BHANU

WRIT PETITION NO.20386 OF 2004

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ORDER:

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The present writ petition is filed by the petitioner to declare the action of the respondent in insisting the petitioner to submit a legal guardian certificate in favour of Miss. Pratusha, the daughter of the petitioner, for transferring the family pension of Late Sgt.Rajasekhar in favour of Miss Pratusha, as illegal and arbitrary.

2. It is an admitted fact that mother is the natural guardian of a daughter.

3. The learned counsel for the respondent contended that in pursuance of the proceedings of the respondent, dated 19.10.2004 no certificate whatsoever has been produced by the petitioner, and therefore, they have not taken any action.

4. However, since the petitioner's counsel is ready to produce the birth certificate of the daughter of the petitioner issued by the competent authority, necessary decision has to be taken by the respondent as per the Rules.

5. Hence, the writ petition is disposed of with a direction to the petitioner to produce the said birth certificate and such other documents which are relevant for the purpose of effecting transfer before the respondent and thereafter the respondent shall take decision and pass appropriate orders within a period of three weeks from the date of receipt of records from the writ petitioner. No costs.

15th December, 2004. ----------

SKM K.C.BHANU, J

TO

1. The WO, WO ICP & WW (FP)

Air Force Record Office, Subroto Park, New Delhi

2 Two C.D. Copies.